IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1143 OF 2007
IN
SUIT NO.1958 OF 1986

Jagdish Textiles & Anr. ...Plaintiffs
vs.

Cargo Movers of India Ltd. & Ors. ...Defendants

Ms Preeti Shah i/b M/s. Motiwala & Co.for the Plaintiffs
Ms Leena Temkar for the Defendant No.1

CORAM: A.S.OKA,J.
DATE : AUGUST 22,2007

P.C.:

1. This notice of motion is taken out by the first defendant for setting aside the decree passed in the suit on 15th June 2006.

2. Heard the learned counsel for the first defendant in support of the notice of motion. The order dated 15th June 2006 passed by this court discloses that the decree has been passed by invoking Rule 10 of Order VIII of the Code of Civil Procedure,1908. Therefore, the present notice of motion taken out by invoking the Rule 13 of Order IX of the said Code is not maintainable in law. The notice of motion is dismissed only on the ground that the same is not maintainable. The dismissal of the notice of motion will not preclude the concerned defendant from adopting appropriate remedy against the decree passed by this court.

JUDGE